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10/059,011**D. REMARKS*****Change of Art Unit***

Applicants note the change of the Art Unit and will direct correspondence accordingly.

Information Disclosure Statement

Applicants note the Examiner's citation that the Information Disclosure Statement filed 1/28/2002, items CC-CN fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because there is no reference date associated with said items. Applicants respectfully note that items CC-CN are the same references cited in the "cross-references to related applications" section of the specification of the present invention.

Specification

The Examiner objected to the disclosure because the cross-references to related applications was missing application serial numbers. Applicants have amended the specification above to include the application serial numbers of the related cross-references.

35 USC § 102(b)

Claims 1-8, 11-18, and 21-25 stand rejected under 35 U.S.C. §102(b) as being disclosed by DeLeeuw. (US Patent Number 6,353,450B1) "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed Cir. 1987). Furthermore the reference must be an enabling disclosure of each and every element as set forth in the claim. *In re Hoecksmas*, 158 USPQ 596, 600 (CCPA 1968); *In re LeGrive*, 133 USPQ 365, 372 (CCPA 1962). Because the Examiner does not show that DeLeeuw teaches each and every element of the claims 1-8, 11-18, and 21-25 or enables each and every element of these claims, these claims are not anticipated, the rejection should be withdrawn, and the claims should be allowed.

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10/059,011**Claim 1**

With respect to claim 1, the Examiner cites DeLeeuw col 4, lns. 23-65 as teaching the method of claim 1. Claim 1 currently reads:

1. (ORIGINAL)A method for displaying resource aids in a display area, said method comprising the steps of:

displaying a user interface comprising at least one displayable object within a display area; and

responsive to an initiating event, placing a transparent resource aid within said display area in association with said at least one displayable object, such that said at least one displayable object is not obscured by said transparent resource aid.

Applicants respectfully propose that DeLeeuw does not anticipate the invention of claim 1 because DeLeeuw does not teach expressly or inherently the step of "placing a transparent resource aid within said display area in association with said at least one displayable object." Further, DeLeeuw does not enable this step.

In general, DeLeeuw teaches "a method for providing input data to a computer system." [DeLeeuw col. 1, lns. 9-10] More specifically, Col. 4, lns. 36-41 of DeLeeuw teaches a method for providing input data as follows:

"In this example, the image of the user is captured by the video camera and rendered in a transparent manner to the display. The user then interacts with display objects, such as non-transparent application program icons, or transparent user interface elements, for example to provide input signals and events to the system."

Further, col. 4, lns. 43-49 of DeLeeuw teaches:

"a method of providing a transparent layer of display data signals (such as video data signals communicated by a video camera, for example) over the top of

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another layer of display data signals on a computer display so that the user may see both layers clearly and substantially simultaneously, and interact with user interface elements in the transparent layer.”

Col. 3, lns. 22-26 points out that by using the method of DeLeeuw, the user can interact with the computer system, “much as the user now does with a mouse or other selection device.

Applicants respectfully propose that DeLeeuw merely teaches a method for allowing a user to provide input data to a computer system that replaces a mouse or other selection device. Specifically, Applicants note that while DeLeeuw teaches rendering an image in a display area in a transparent manner, DeLeeuw does not teach placing a “transparent resource aid” within the display area. The transparent layer taught in DeLeeuw is a replacement of a traditional arrow representing a mouse or other selection device. DeLeeuw does not teach monitoring resource use or displaying resource use in any manner to produce a “transparent resource aid”. Moreover, the Examiner does not point out what part of the specification of DeLeeuw specifically teaches placing a “transparent resource aid” in a display area in association with a “displayable object”. In contrast, the specification of the present invention defines a “transparent resource aid” as a display object which provides information about the resources monitored in association with the displayable object with which the transparent resource aid is associated. [Brown et al. p. 10-12] Inherent in the placement of a “transparent resource aid” is the display of information about monitored resources.

Therefore, because the Examiner does not specifically point out the teaching, either expressly or inherently, in DeLeeuw for placing a “transparent resource aid” and since DeLeeuw is in fact void of any teaching of the element, claim 1 is not anticipated by DeLeeuw and should be allowed.

Claims 2-8

Regarding claims 2-8, Applicants respectfully propose that because the Examiner did not establish that DeLeeuw anticipates the independent claim 1 upon which these dependent claims rely, then DeLeeuw does not anticipate these dependent claims and the dependent claims should

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be allowed. Specifically, however, Applicants respectfully propose that even if DeLeeuw anticipates Claim 1, DeLeeuw does not anticipate in claims 3, 5, and 6.

Claim 3

Specifically, with respect to claim 3, the Examiner cites DeLeeuw col 3, lns. 11-42 and col 4, lns. 23-65 as teaching the method of claim 3. Claim 3 currently reads:

3. (ORIGINAL)The method for displaying resource aid in accordance with claim 1, said method further comprising the step of:

responding to said initiating event, wherein said initiating event is a position of a cursor over a sensitive region of said displayable object.

Applicants respectfully propose that DeLeeuw does not anticipate the invention of claim 3 because DeLeeuw does not teach expressly or inherently a "sensitive region of said displayable object." DeLeeuw teaches that a user may control movements of a video reflection to "direct actions within the computer system such as grasping or selecting icons, transparent controls, and other application program elements, *much as the user now does with a mouse or other selection device.*" [see DeLeeuw col. 3, lns. 14-26, emphasis added] The Examiner, however, cites this section of DeLeeuw as teaching Claim 3 "wherein image of user's hands and fingers are sensitive areas for interacting with application program within the computer system such as grasping or selecting icons or transparent controls." Applicants propose that even if the "user's hands and fingers are sensitive areas", they are just sensitive areas that are detected for controlling inputs to a system, like a user could perform with a mouse or other selection device. In contrast, the "sensitive region of said displayable object" of the present invention is a region within each displayable object that when selected by user input, such as with a mouse, the video input selection of DeLeeuw, or other selection device, an initiating event is triggered. Therefore,

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because DeLeeuw does not teach each element of Claim 3, DeLeeuw does not anticipate the invention of Claim 3 and the claim should be allowed.

Claim 5

Specifically, with respect to claim 5, the Examiner cites DeLeeuw col. 3, lns. 11-42 and col. 4, lns. 23-65 as teaching the method of claim 5. Claim 5 currently reads:

5. (ORIGINAL)The method for displaying resource aids in accordance with claim 1, said method further comprising the steps of:

monitoring performance of a plurality of parts of a computer system; and

compiling information for said transparent resource aid from said monitored performance for a selection from among said plurality of parts.

Applicants respectfully propose that DeLeeuw does not anticipate the invention of claim 5 because DeLeeuw does not teach expressly or inherently either of the steps of claim 5. Further, DeLeeuw does not enable the steps of claim 5.

The Examiner cites DeLeeuw as teaching claim 5 "wherein image of user's hands and fingers correspond to sensitive areas for interacting with application program within the computer system such as grasping or selecting icons or transparent controls and *also correspond to monitor performance of a plurality of parts.*" [Office Action, p. 4-5, emphasis added] Applicants respectfully note that DeLeeuw does not teach "the image of user's hands and fingers" corresponding to monitoring "performance of a plurality of parts." DeLeeuw teaches tracking the movement of a user's hands and fingers connected to an input device, but does not teach monitoring the performance of the input system described in DeLeeuw, which could be considered a part of a computer system. Applicants respectfully propose that monitoring the movement of hands and fingers to detect input to a computer system is not analogous to

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monitoring the actual performance of an input device. Further, within the portion of DeLeeuw pointed to by the Examiner, there is no mention of monitoring performance of the parts of a computer system. In contrast, the present invention teaches monitoring the performance of the parts of a computer system, not just monitoring movement to detect inputs to a computer system. In the specification, the parts of a computer systems are described as including "a disk drive, a printer, a scanner, a graphics card, a sound card, memory, processors, network accessibility, threads, central processing units (CPUs) and other devices included with a computer system or network" and monitoring performance includes monitoring how each part is actually functioning. [Brown et al. p. 10]

Furthermore, claim 5 teaches compiling the monitored information for output via a transparent resource aid. As discussed in claim 1, DeLeeuw does not teach the method of gathering information for or placement of transparent resource aids.

Therefore, because DeLeeuw does not teach each element of Claim 5, DeLeeuw does not anticipate the invention of Claim 5 and the claim should be allowed.

Claim 6

Specifically, with respect to claim 6, the Examiner cites DeLeeuw col. 3, lns. 11-42, col. 4, lns. 23-65, and col. 14, lns. 40-45 as teaching the method of claim 6. Claim 6 currently reads:

6. (ORIGINAL)The method for displaying resource aids in accordance with claim 1, said method further comprising the steps of:

monitoring a plurality of transparency settings for each of a plurality of displayable objects displayed within said user interface; and

compiling information for said transparency resource aid from said monitored transparency settings.

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Applicants respectfully propose that DeLeeuw does not anticipate the invention of claim 6 because DeLeeuw does not teach expressly or inherently either of the steps of claim 6. DeLeeuw col. 14, lns. 40-45 teaches "Next at block 544, initialization parameters for the video renderer with transparency filter may be set. For example, the desired level of opacity may be set for future video data signal processing. Other initialization parameters include mirroring settings and interleaving patterns." Applicants respectfully propose that all that DeLeeuw teaches is allowing a user to set an opacity and other levels for a transparency filter. DeLeeuw does not teach monitoring the transparency that displayable objects are set to and then updating information for the transparency resource aid based on the transparency levels of different displayable objects. [In contrast, the specification describes that the transparency settings of a displayable object may represent a performance characteristic of a resource of the computer system associated with the displayable object. By monitoring transparency settings of the displayable object, performance of a resource associated with the displayable object can be determined and compiled for use in a transparency resource aid to show resource usage in association with the displayable object.] Therefore, because DeLeeuw does not teach each element of Claim 6, DeLeeuw does not anticipate the invention of Claim 6 and the claim should be allowed.

Claims 11 and 21

Claims 11 and 21 stand rejected as system and program claims, for performing the method of claim 1, and therefore are rejected under the same rationale. Applicants respectfully propose that the Examiner does not establish anticipation of claim 1, and therefore corresponding system and program claims 11 and 20 should not be rejected.

Claims 12-18

Claims 12-18 stand rejected as system claims, for performing the method of dependent claims 2-8, respectively, and therefore are rejected under the same rationale. Applicants

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respectfully propose that the Examiner does not establish anticipation of claims 2-8, and therefore corresponding dependent system claims 12-18 should not be rejected.

Claims 22-25

Claims 22-25 stand rejected as program claims, for performing the method of dependent claims 4-7, respectively, and therefore are rejected under the same rationale. Applicants respectfully propose that the Examiner does not establish anticipation of claims 4-7, and therefore corresponding dependent program claims 22-25 should not be rejected.

35 USC § 103(a)

Claims 10, 20, and 27 stand rejected under 35 U.S.C. §103(a) as being unpatentable over DeLeeuw. (US Patent Number 6,353,450B1) as applied to claims 1, 11, and 21, and further in view of Bagnas (US Patent Number 5,805,163). Applicants first note the above proposition that claims 1, 11 and 21 are not taught by DeLeeuw, and therefore as dependent claims of allowable subject matter, claims 10, 20, and 27 should also be allowed. Applicants second note that the Examiner carries the burden of proving a prima facie case of obviousness for a 103(a) rejection. Because the Examiner does not carry the burden of proving a prima facie case of obviousness for claims 10, 20, and 27, the rejection should be withdrawn and the claims should be allowed.

Claim 10

In establishing a prima facie case of obviousness under 103(a), the combined prior art references must teach or suggest all the claim limitations. *In re Vaeck*, 947 F.3d 488, 20 USPQ2d 1438 (Fed Cir. 1991). The Examiner suggests that it would have been obvious to one skilled in the art at the time the invention was made to apply "placing and monitoring transparent user interface elements in a live video stream as a method for user input" in combination with darkened transparent window overlapping an opaque window" disclosed by Bagnas to teach Claim 10. [Office Action, p. 6] Further the Examiner notes that the motivation to combine the teachings "would provide for a need for transparent windows and controls in window

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environments as revealed by Bagnas in col. 1, lns. 55-65." [Office Action, p. 6] Claim 10 currently reads as follows:

10. (ORIGINAL) The method for displaying resource aids in accordance with claim 1, said method further comprising the step of:

placing said transparent resource aid in a background of said display area in association with said at least one displayable object, wherein said transparent resource aid is darkened to draw attention to said at least one displayable object.

Applicants respectfully propose that the combined references do not teach or suggest the claimed limitation. First, the Examiner does not show how DeLeeuw or Bagnas teach or suggest a "transparent resource aid". The Examiner states that DeLeeuw teaches a transparent user interface as a method for *user input*, not as a method for displaying current resource usage associated with a displayable object. In contrast, the present invention teaches that when a "transparent resource aid" is placed in the display area, the "transparent resource aid" displays information about resource usage. [Brown et al. p. 10-12] Second, the Examiner does not show how DeLeeuw or Bagnas teach or suggest darkening the "transparent resource aid" to draw attention to a displayable object. Bagnas col. 3, lns 57-60 read as follows: "So that the display of window 30 through window 28 is not confusing, window 28 may be darkened as compared to the underlying screen components." In contrast, the purpose of darkening the "transparent resource aid" in the present invention is to draw attention to a displayable object or as the specification describes "highlight" the displayable object. Applicants respectfully propose that Bagnas's teaching of darkening a transparent window does not teach or suggest darkening a transparent window to highlight an associated displayable object.

In conclusion, when DeLeeuw is combined with Bagnas, all that is taught is a transparent window input system that can be darkened as compared with underlying screen components. DeLeeuw combined with Bagnas does not teach the elements of the claimed invention.

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Therefore, Applicants respectfully propose that the Examiner does not meet the burden of showing the obviousness of making the combination because the claimed invention is not taught by combining the references.

Claims 20 and 27

Claims 20 and 27 stand rejected as system and program claims that correspond directly to dependent method claim 10, and therefore, are rejected under the same rationale. Applicants respectfully propose that the Examiner does not establish prima facie obviousness for claims 10, and therefore corresponding system and program claims 20 and 27 should not be rejected.

Allowable Subject Matter

Claims 9, 19, and 26 stand objected to as being dependent upon a rejected based claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants note with appreciation the allowable subject matter, however choose to initially traverse the rejected base claims.

Conclusion

Applicants note the citation of pertinent prior art cited by the Examiner.

In view of the foregoing, withdrawal of the rejections and the allowance of the current pending claims is respectfully requested. If the Examiner feels that the pending claims could be allowed with minor changes, the Examiner is invited to telephone the undersigned to discuss an Examiner's Amendment. Further, Applicants reiterate the request for a telephone conference with the Examiner at the Examiner's earliest convenience.

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